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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,485	12/20/2000	Richard G. Morton	2000-00871-1	9464

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06/02/2004

ALBERT P. CEFALO AND WILLIAM CRAY
CYMER, INC. LEGAL DEPT. MS/4-2C
17075 THORN MINT COURT
SAN DIEGO, CA 92127

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/742,485

Applicant(s)

MORTON, RICHARD G.

Examiner

Davienne Monbleau

Art Unit

2878


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 15 April 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


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Continuation of 9. Other (including any explanation in support of the above items):

Regarding Item 4:

The explanation of the claimed invention is not concise and includes information that is not part of the claimed invention (i.e. prior art and background information). Also, the MPEP requires that the concise explanation refer to the specification by page and line number, not paragraph number. The MPEP also recommends that where applicable, as it is in this case, it is preferable to read the appealed claims on the specification and any drawing, rather than in narrative form straight out of the specification.

Regarding Item 5:

Issue 1 is correct.

The principle of Issue 2 is correct. However, there is a typo ... "claims 2-8" should be changed to "claims 2-11".

Issues 3-6 are not correct. These are arguments that are incorporated within the previous two issues and are therefore repetitive and should be removed.

Regarding Item 7:

Within the Argument section, the arguments for each individual issue must be addressed in separate sub-sections for the corresponding issue. Thus there should be one argument section for Issue 1 and a separate argument section for Issue 2. The sub-sections included by the Appellant are not correct and renders the Argument section confusing because it is not clear which arguments address which issues.

Regarding the Appendix:

The submitted prior art should be incorporated into a separate appendix from that of the claims (i.e. Appendix A for the claims and Appendix B for the prior art).